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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,385	02/18/2004	Satoshi Mizutani	20050/0200895-US0	3573
7278	7590	06/21/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			BOGART, MICHAEL G	
			ART UNIT	PAPER NUMBER
			3761	
DATE MAILED: 06/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,385

Applicant(s)

MIZUTANI ET AL.

Examiner

Michael G. Bogart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13 February 2006.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Osborn, III *et al.* (US 5,885,265 A)(hereinafter “Osborn”).

Regarding claim 1, Osborn teaches an interlabial pad (20) comprising:

an absorbent body (32) for absorbing liquid; and

a cover body (28, 30) covering the absorbent body (32) in an enclosing manner, the cover body comprising a surface side sheet (28) having a permeable property for liquid and a back face side sheet (30) having an impermeable property against liquid;

wherein the cover body (28, 30) is provided with at least parting zone that is parted by actions of water, for separating the back side sheet (30) into a plurality of small sheet pieces after the interlabial pad is discarded in a toilet, wherein the surface side sheet (28) and the back sheet face side sheet (30) are joined at a peripheral edge of the absorbent body (32), and

wherein the at least one parting zone crosses over the back face side sheet (30) from an edge to another edge of the back face side sheet (30)(col. 2, line 41-col. 3, line 19; col. 9, lines 23-42; col. 16, line 45-col. 17, line 5)(see figures 1 & 2, below).

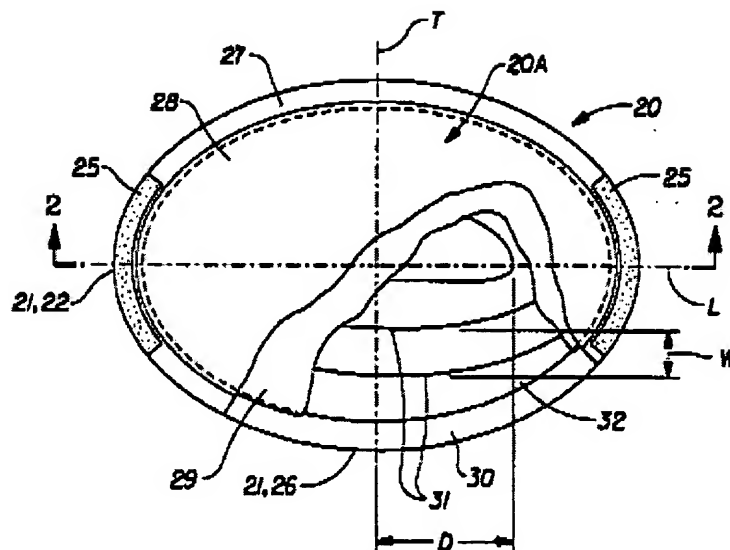


Fig. 1

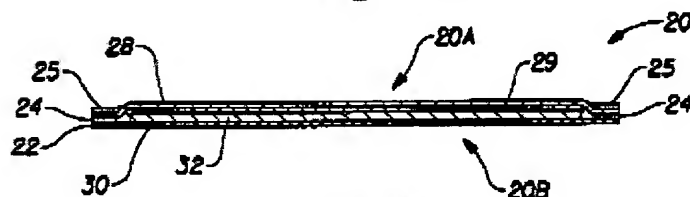


Fig. 2

Regarding the function limitations, e.g., how the back side sheet disperses, apparatus claims must be structurally distinguishable over the prior art. MPEP § 2114. As interpreted herein, the at least one parting zone is considered to be anywhere on the back side sheet between its peripheral edges. As the back side sheet dissolves in liquid, it will break up in various places into smaller pieces.

Claims 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Osborn, III (WO 99/26573 A1)(hereinafter '573).

'573 teaches a packaging body (50) for individual package of interlabial pad (20), comprising:

a packaging sheet (68); and

an interlabial pad (20) covered by the packaging sheet (68);
wherein the packaging sheet (68) is provided with a continuous or discontinuous parting zone that is parted by actions of water, along which the packaging sheet (68) is separated into a plurality of small sheet piece when water after the packaging sheet is discarded in the toilet (page 19, line 20-page 21, line 23)(see fig. 5).

Regarding the function limitations, e.g., how the back side sheet disperses after placement in a toilet, apparatus claims must be structurally distinguishable over the prior art. MPEP § 2114. '573 discloses packaging that can optionally be constructed of a dissolvable material. Even if the packaging is not torn open, it will eventually dissolve, even if this not an intended use of the disclosure.

Regarding claim 11, '573 teaches that the packaging sheet is a liquid impermeable sheet (e.g., thermoplastic film) with an impermeable property against liquid (page 19, lines 20-31).

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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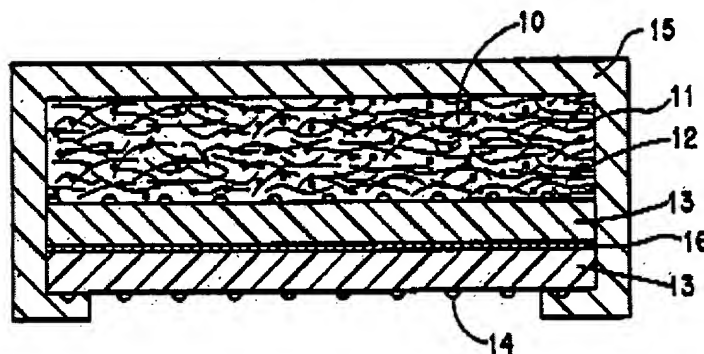
the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 3-7, 13-16 and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Osborn as applied to claim 1 above, and further in view of Evers (US 5,300,358 A).

Osborn does not teach a parting zone that is a seam crossing from one edge to an opposite edge.

Evers teaches a parting zone (13, 16) that is a seam of overlapping small sheet pieces (13)(col. 2, lines 33-52; col. 5, line 53-col. 6, line 18)(figure 2, below). As interpreted herein, "seam" is interpreted as the entire overlapping region. The disclosed structure provides for good absorbent performance of an absorbent article and the ability to dissolve in water for disposal.

FIG.2



At the time of the invention, it would have been obvious for one of ordinary skill in the art to use the backsheet design of Evers in the interlabial device of Osborn in order to provide for an article that degrades rapidly.

Regarding claim 4, Evers teaches that the plurality of small sheet pieces (13) are adhered together at the seam part by an adhesive agent (mist)(col. 9, lines 53 and 54).

Regarding claim 5, Evers teaches that the seam part is a longitudinal extending seam part extending in a longitudinal direction of the absorbent article; and

An upper sheet piece (13) which overlaps the other sheet piece (13) at the longitudinal seam and covers a side close to a longitudinal central line of the interlabial pad is positioned at an absorbent body side. It is noted that the claims specifies that the seam covers a side closer to a longitudinal central line, but does not specify closer that what other element.

Regarding claim 6, Evers teaches that the seam part is a laterally extending seam part extending in a lateral direction of the interlabial pad (20); and

A lower sheet piece (13) which overlaps the other sheet piece (13) at the lateral seam part and covers a garment facing side that becomes a dorsal side when the interlabial pad is fitted between labia is positioned at the absorbent body side. Regarding the function limitations, apparatus claims must be structurally distinguishable over the prior art. MPEP § 2114.

Regarding claim 7, Evers teaches that the seam parts contain a seam extending in the longitudinal direction of the interlabial pad and in the lateral direction of the interlabial pad; and

An upper sheet piece (13) which overlaps the other sheet piece (13) at the longitudinal seam and covers a side close to a longitudinal central line of the interlabial pad is positioned at the absorbent body side (20A); and a lower sheet piece (13) which overlaps the other sheet piece (13) at the lateral seam part and covers a side that becomes a dorsal side when the interlabial pad is fitted between labia is positioned at the absorbent body side. Regarding the function

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limitations, apparatus claims must be structurally distinguishable over the prior art. MPEP § 2114.

Regarding claim, 13 Evers teaches that the seam extends in a longitudinal direction of the interlabial pad; and

An upper sheet piece (13) which overlaps the other sheet piece (13) at the longitudinally extending seam and covers a side close to a longitudinal central line of the interlabial pad is positioned at an absorbent body side.

Regarding claim 14, Evers teaches that the seam extends in a lateral direction of the interlabial pad; and

a lower sheet piece (13) which overlaps the other sheet piece (13) at the seam and covers a side that becomes a dorsal side when the interlabial pad is fitted between labia is positioned at the absorbent body side. Regarding the function limitations, apparatus claims must be structurally distinguishable over the prior art. MPEP § 2114.

Regarding claims 15 and 16, Evers teaches that the seam extends in the longitudinal direction of the interlabial pad and in the lateral direction of the interlabial pad; and

An upper sheet piece (13) which overlaps the other sheet piece (13) at the seam part and covers a side close to a longitudinal central line of the interlabial pad is positioned at the absorbent body side; and a lower sheet piece (13) which overlaps the other sheet piece (13) at the seam and covers a side that becomes a dorsal side when the interlabial pad is fitted between labia is positioned at the absorbent body side. Regarding the function limitations, apparatus claims must be structurally distinguishable over the prior art. MPEP § 2114.

Regarding claims 20-22, Osborn teaches that the back face side sheet (3) is made uneven at least at the surface opposite (20B) to the absorbent body side (20A)(see figure 6, below).

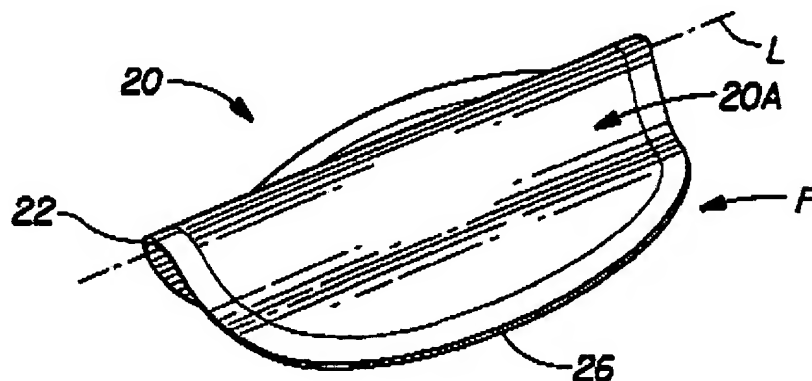


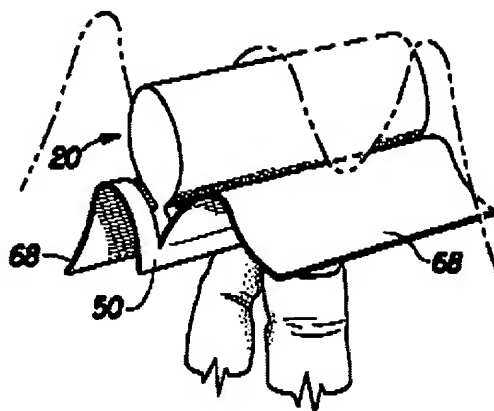
Fig. 6

Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Osborn as applied to claim 1 above, and further in view of Osborn, III (WO 99/26573 A1; hereinafter '573).

Osborn does not teach a mini-sheet piece on the surface of the side opposite to the body side of the absorbent article.

'573 teaches a interlabial pad (20) surrounded by a mini-sheet (68)(figure 5).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to wrap the absorbent article of Osborn with the separable mini-sheet of '573 in order to provide packaging means (figure 5, below).



Regarding claim 9, Osborn teaches that the back face side sheet (3) is made uneven at least at the surface opposite (20B) to the absorbent body side (20A)(see figure 6).

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Osborn and '573 as applied to claims 8 and 9 above, and further in view of Evers.

Osborn and '573 do not teach a parting zone that is a seam crossing from one edge to an opposite edge.

Evers teaches a parting zone (13, 16) that is a seam of overlapping small sheet pieces (13)(col. 2, lines 33-52; col. 5, line 53-col. 6, line 18)(figure 2). As interpreted herein, "seam" is interpreted as the entire overlapping region. The disclosed structure provides for good absorbent performance of an absorbent article and the ability to dissolve in water for disposal.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to use the backsheet design of Evers in the interlabial device of Osborn in order to provide for an article that degrades rapidly.

Claims 17-19 rejected under 35 U.S.C. § 103(a) as being unpatentable over Osborn and Evers as applied to claims 3-7, 13-16 and 20-22 above, and further in view of '573.

Osborn and Evers do not teach a mini-sheet piece on the surface of the side opposite to the body side of the absorbent article.

‘573 teaches a interlabial pad (20) surrounded by a mini-sheet (68)(figure 5).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to wrap the absorbent article of Osborn and Evers with the separable mini-sheet of ‘573 in order to provide packaging means (figure 5, above).

Response to Arguments

Applicant's arguments with respect to claims 3-7, 9 and 12-22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claims 1, 8, 10 and 11, filed 05 April 2006 have been fully considered but they are not persuasive.

Applicants assert that Osborn teaches a parting zone that extends around the periphery of the pad rather than extending from one edge to another of the backsheet. Under applicants' interpretation, the parting zone is considered to be the edge seam. This argument is not persuasive, because as discussed in detail supra, Osborn's parting zone is interpreted to be the entire backsheet because the backsheet itself is cold water dispersible, not just the edge seams (col. 9, lines 26 and 27). As water starts to dissolve it, it breaks up into smaller pieces.

Applicants further assert that ‘573 does not teach a packaging sheet having parting zones that separate when discarded in a toilet. As discussed supra, because 573' teaches that the packaging sheet may be made of a material that disintegrates in water (page 19, line 25). The entire piece of material is interpreted herein as a parting zone.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Bogart
12 June 2006

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

